



MAYOR AND COUNCIL AGENDA

NO. 17

DEPT.: Community Planning and Development Services
STAFF CONTACT: Deane Mellander, Planner III

DATE PREPARED: 9/15/05
FOR MEETING OF: 9/26/05

SUBJECT: Use Permit Amendment USA2003-0674B: Amendment to Block 5, Rockville Town Square; to delete four multi-family residential units and replace the resulting 10,000 square feet of floor area with retail (health and fitness center); RTS Residential, applicant.

RECOMMENDATION: Approval of Use Permit Amendment USE2003-0674B: Amendment to Block 5, Rockville Town Square; to delete four multi-family residential units and replace the resulting 10,000 square feet of floor area with retail (health and fitness center).

DISCUSSION: This application requests an amendment to the approved Use Permit for Block 5 of the Rockville Town Square project. The applicant proposes to delete four residential apartments on the second floor of the block and instead install a two-story health and fitness center in their place. Total added commercial space equals 10,000 gross square feet. The entry to the facility will still be at street level, with access to the upper floor area via internal stairs and elevator.

As a consequence of the change in use, the applicant has requested approval to revise the façade of the building to provide more window area at the second floor level for the fitness center. The balance of the façade from the third floor up will remain as previously approved. In the staff report to the Planning Commission, the staff recommended that the window frame treatments for the new windows at the second floor level be consistent with the balance of the window frames on the respective facades. The thematic design for the fitness center calls for the larger glazed areas. Within that context the staff can support the enlarged window areas, with the recommended condition.

The proposed amendment by itself remains within the parameters of the approved PDP for the project. We note that the proposed addition of the Cultural Arts building will add more retail space, and take the retail floor area beyond what was approved in the PDP. However, that issue will be addressed with consideration of the Use Permit for the Cultural Arts building, which also proposes an amendment to the PDP to address the gross floor area to be added.

Parking for the proposed use can be accommodated within the parameters of the parking being provided in the Town Square project, including the parking reduction for nonresidential uses allowed under the PDP.

BOARDS AND COMMISSIONS REVIEW: The Planning Commission reviewed this application at their meeting on August 15, 2005 and recommended disapproval. A copy of their recommendation is attached. In essence, the Commission is concerned about the façade appearance with the proposed window expansion. They are concerned that it will have an adverse impact on what is desired for the Town Center project.

PREPARED BY:

Deane C. Mellander
Deane Mellander, Planner III

9/20/05
Date

APPROVED BY:

R. James Wasilak
R. James Wasilak, AICP, Chief of Planning

9-20-05
Date

APPROVED BY:

Arthur D. Chambers
Arthur D. Chambers, AICP, Director

9/20/05
Date

APPROVED BY:

Scott Ullery
Scott Ullery, City Manager

9/20/05
Date

LIST OF ATTACHMENTS:

1. Planning Commission recommendation.
2. Staff report to the Planning Commission.
3. Building floor plans and elevation.



City of Rockville

MEMORANDUM

September 15, 2005

TO: Mayor and Council

FROM: Planning Commission

SUBJECT: Planning Commission Recommendation on Use Permit Amendment Application
USE2005-00674B, Rockville Town Square Block 5.

The Planning Commission considered the proposed Use Permit amendment to Block 5 of the Rockville Town Square at its meeting on August 15, 2005. The proposed amendment would allow for the deletion of 4 residential units on the second floor of the building, and utilizing the resulting approximately 10,000 square feet of floor area to expand the retail commercial uses. The applicant is negotiating with a health and fitness club provider to occupy the space. The Commission received comments from the planning staff and the public.

The Planning Commission is very concerned that the proposed changes in the façade will have a negative impact on the quality of the streetscape for the Town Square project. The large expanse of windows at the second story seems to detract for the consistency and quality of the approved design. Commissioner Hilton also voiced a concern about what might happen to this space in the future, if the health club leaves. Second-story retail spaces are much harder to lease than ground floor area. He could only support the application with a façade design that is more compatible with the current design. Commissioner Britton also voice his concern that the façade design as proposed looks ugly and monolithic.

Therefore, on a motion by Commissioner Hilton, seconded by Commissioner Weiner, and with Commissioners Britton, Ostell and Johnson voting in favor of the motion, and with two members absent, the Planning Commission recommends disapproval of the proposed Use Permit amendment for Block 5 of the Rockville Town Square project.

cc: Planning Commission
Case File



City of Rockville

MEMORANDUM

August 10, 2005

TO: City of Rockville Planning Commission

FROM: Deane Mellander, Planner III

VIA: R. James Wasilak, AICP, Chief of Planning

SUBJECT: Use Permit Amendment application USA2003-0674B, Rockville Town Square Block 5; RTS Residential, applicants.

BACKGROUND

On March 15, 2004 the Mayor and Council approved use permits for the Rockville Town Square project. At that same meeting, the Mayor and Council, with the affirmative recommendation of the Planning Commission, approved an amendment to Preliminary Development Plan PDP2003-00005. The amendment allowed up to 6 stories on Block 5, reduced the allowable building height on Block 4 to 75 feet, and reduced the number of residential units from 777 to 660 units.

The applicants applied to amend use permit USE2003-00674 for Block 5 of the Town Square project to add 8 additional units above a portion of the building fronting along Maryland Avenue. This portion of the building is referred to as façade 5E. This amendment was approved by the Mayor and Council on November 11, 2004. The applicants are now requesting an amendment to delete four residential apartments in order to permit the installation of a two-story health and fitness club (Gold's Gym).

ANALYSIS

This amendment is requested in order to accommodate a proposed two-story health and fitness club in the Block 5 building. The club will have its main entrance at the street level. The upper floor will be accessible via interior stairs and elevator. In order to provide this space, four apartments on the second floor will be deleted.

The earlier amendment to Block 5 increased the number of residential units from 148 to 156 units, and the overall project total from 632 to 640. This number is still within the 660 units approved under the amended PDP plan. This amendment would reduce the units in Block 5 from 156 to 152, and in the Town Square project from 640 to 636. Note that pending PDP

amendment application PDP2003-0005B, for the Cultural Arts facility, does not affect the residential unit count for the Town Square. It does propose to increase the amount of retail permitted from 184,563 square feet to 192,000 square feet. This increase in retail area is proposed in part to accommodate the health club proposed in this Use Permit amendment application.

The proposed amendment will also require a change in the façade for this section of the building. The applicants wish to have large windows overlooking the street, in place of the windows that would have been associated with the residential units. The change involves the area between the driveway entry to the Block 5 garage and the point where this block joins Block 4. The façade remains unchanged above the second floor. In order to retain some degree of continuity, the staff recommends that the framing treatment of the new windows be consistent with the framing treatment of the other windows on the respective facades.

The approved and amended PDP allows for the following development:

Retail Commercial:	184,563 gross square feet
Multi-family residential:	660 dwelling units (including MPDU's)
Public Library:	102,522 gross square feet
Cultural Arts Facility:	25,900 gross square feet (may be increased by 13,000 additional square feet)
Maximum building height:	6 stories or 75 feet

The combined total development under the approved Use Permit applications is as follows:

Retail Commercial:	171,823 gross square feet
Multi-family residential:	644 dwelling units (including MPDU's)

Development Summary by Block				
Block	Retail	Residences	Parking Spaces	
			Residential	Public
1/2	70,071	241	324	225
3A	-	0	0	0
3B	35,973	142	256	0
4	19,642	109	244	630
5	46,137	152	154	122
Total	171,823	644	978	977

With this amendment, the amount of retail space will be increased by about 10,000 square feet. This will raise the total area to about 182,000 square feet, still below the PDP limit of 184,563 square feet. By itself, this Use Permit amendment does not require the approval of the pending amendment to the PDP, since the increase in retail is still below the amount previously approved. The addition of the approximate 10,000 square feet of retail in the Cultural Arts building, when added to the Block 5 amendment, requires the PDP amendment for additional retail space.

The following table summarizes the Town Square development with the proposed amendments and use permit amendments proposed:

Use	Amended PDP 2004	Approved Use Permits	Block 5 Amend.	Cult. Arts Facility	Subtotal	Requested PDP Amend.
Retail	184,563 s.f.	171,823 s.f.	10,000 s.f.	9,310 s.f.	191,133 s.f.	192,000 s.f.
Office	-	-	-	25,200 s.f.	25,200 s.f.	-
Cult. Arts	38,900 s.f.	-	-	36,290 s.f.	36,290 s.f.	
Cult. Arts Total minus Retail				61,490 s.f.		62,000 s.f.
Library	102,522 s.f.	102,522	-	-	102,522 s.f.	102,522 s.f.
Residential	660	648	644	-		660

Parking for the Block 5 building is included in the overall parking district plan for the Town Center area. A total of 977 public parking spaces are being provided within the Town Square project. The Walker Parking Consultants study indicates that the peak public parking demand on an afternoon weekday would be 856 spaces. This leaves a reservoir of 121 spaces. Note that in addition, there are 978 parking spaces provided for the residential uses for a total of 1,955 parking spaces in the Town Square project. In addition, 43 on-street parking spaces are being provided.

RECOMMENDATION

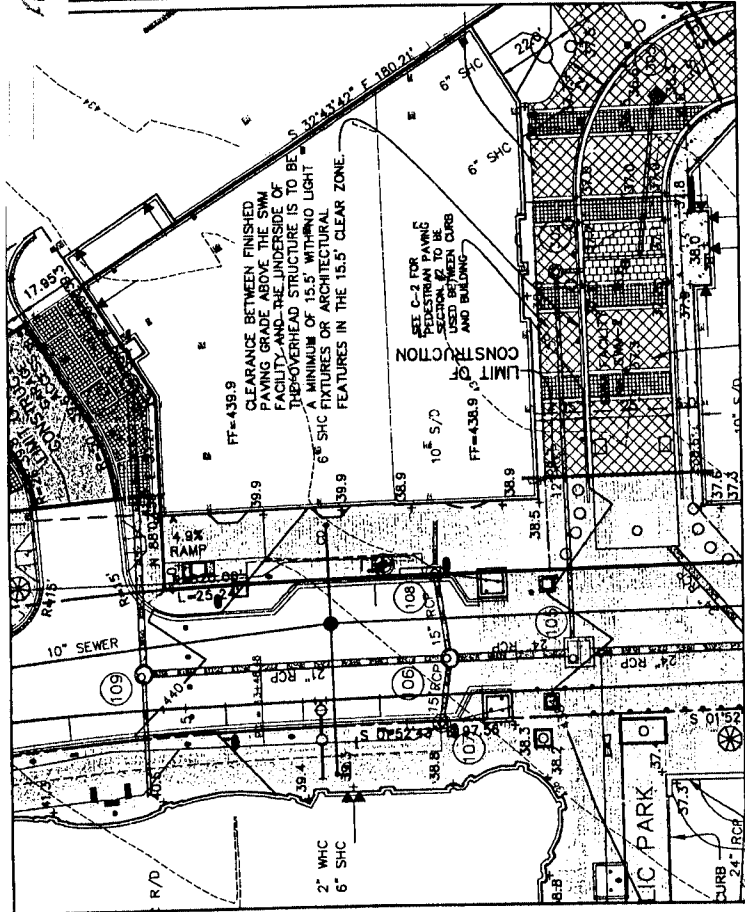
Under the provisions of text amendment TXT2004-00212, the Mayor and Council must approve amendments to Use Permits that were previously approved by the Mayor and Council. Therefore, in this case the Planning Commission is providing a recommendation to the Mayor and Council on this application.

The staff finds that the proposed amendment is consistent with the original design approval for Block 5. The amendment remains within the parameters of the amended PDP. Staff therefore recommends approval of the proposed Use Permit Amendment with the condition above related to treatment of the window frames.

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August 10, 2005

/dem

Attachments: 1. Site development plan.
2. Approved façade design.
3. Proposed façade design.



1144. Vincent St.

VINCENT MAP
SCALE 1" = 2,000'

Union St.
12th St.
Montgomery Ave.
Brown Street
Adams Street
Vincent Street

SITE CONSTRUCTION NOTES:

1. The contractor must contact the following prior to beginning work: City Department of Public Works at 246-314-8500, City Transportation Division at 246-314-8506 (Traffic, signal lights and streetlights), City Utilities Section at 246-314-8567 and Miss Utility at 1-800-257-7777 48 hours before excavating.
2. All storm drain and paving construction shall be in accordance with the latest General Engineering Manual (GEM) of the Maryland State Highway Administration, Montgomery County and the City of Rockville under otherwise noted.
3. Information concerning existing underground utilities was obtained from available records. The Contractor must determine the exact location and elevation of existing utilities by digging test pits, by hand, at all utility crossings well in advance of trenching.
4. Minimum minimum one-foot vertical clearance between all storm drain crossings and other utilities. If clearance is less than shown on this plan, contact the City Department of Public Works Engineer before proceeding with construction.
5. Trench backfill shall be compacted to 95% per AASHTO T-99, Method C and compacted with correct moisture content. Compact to 95% per City Inspector with certified compaction test results from an independent Geotechnical Engineer.
6. Where any part of the storm drain system is located as a fill section, provide select fill material compacted to 95% AASHTO T-180, Method C with correct moisture content from existing ground to approved pipe subgrade. Contractor shall supply City Inspector with certified compaction test results from a Geotechnical Engineer.
7. The public utility utility punch shall be in accordance with City Standard Detail #60 or #60A. All trenches at public streets are to be filled with compacted CN-6 or compacted concrete to all grade. Mill and overlay requirements (see City Standard Detail #50) at street corners shall be determined by the Chief, Street Management Division.
8. Unless otherwise specified, all storm drain pipes shall be installed with Montgomery County Standard "C" shaped bedding or better.
9. When laying into existing pavement, new or existing paving edge to provide a clean, straight and vertical joint. When removing existing curb or sidewalk, remove to the nearest joint.
10. Provide Contractor in responsible for adjusting utility bays to furnished grade.

EXISTING		PROPOSED	

THIS SITE DEVELOPMENT PLAN IS FOR DEVELOPMENT INSIDE THE BOUNDARIES OF BLOCK 5.

DEVELOPMENT WITHIN THE PUBLIC RIGHT-OF-WAYS, INCLUDING IMPROVEMENTS UP TO THE BUILDING FACE ALONG PUBLIC RIGHT-OF-WAYS, INCLUDING STORMDRAIN, STORMWATER MANAGEMENT, WATER AND SEWER, LANDSCAPING AND STREETSCAPING IS SHOWN ON DEVELOPMENT PLANS FOR THE PUBLIC RIGHT-OF-WAYS AND IS NOT INCLUDED IN THESE PLANS.


RECEIVED

**USE PERMIT PLAN
BLOCK 5**

ROCKVILLE TOWN SQUARE

LOT 23, BLOCK B, CITY CENTER, PLAT #23115

4TH FD - CITY OF ROCKVILLE - MONTGOMERY COUNTY - MARYLAND

 MHG 8220 Wegman Road, Suite 120 Montgomery Village, Maryland 20886-1276	Macris, Hendricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors		Proj. Mgr. MDP	Designer MDP
	Phone 301.940.0840 Fax 301.940.0883 www.mhga.com		Date 6-30-05	Scale 1" = 1'
	Project No. 97-397-51		Date 6-30-05	Sheet 1 of 1

DEVELOPER
RD ROCKVILLE BLOCK 5 LLC
7501 WISCONSIN AVENUE
SUITE 1120
BETHESDA, MD 20814
PHONE: 301-657-2800

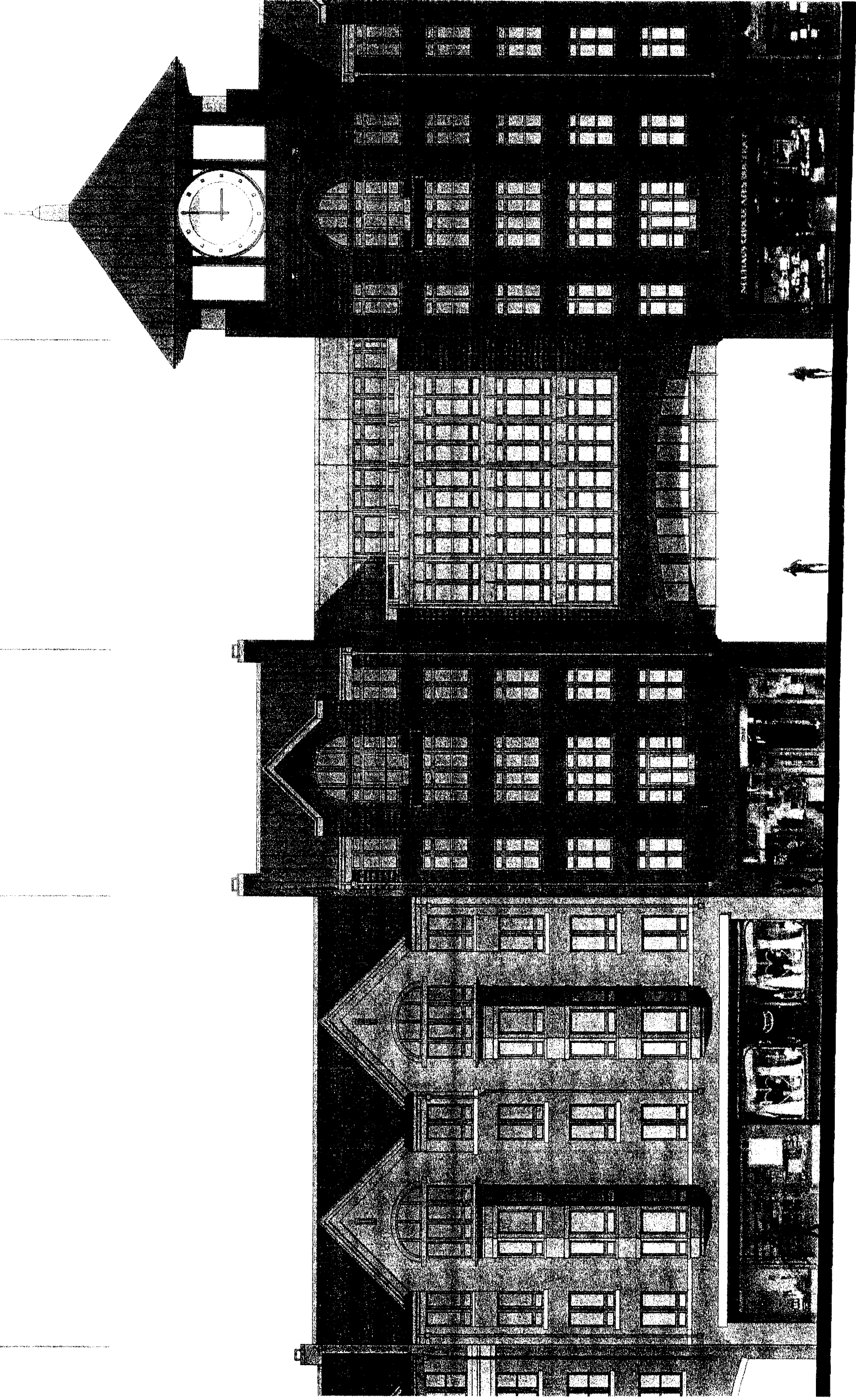
Attachment Site development plan

FOR LOCATIONS OF CITY WATER AND SEWER
CALL "CITY UTILITIES SUPERINTENDENT"
AT 240-314-8567. FOR LOCATIONS OF
OTHER UTILITIES CALL "MISS UTILITY"
AT 1-800-257-7777 AT LEAST 48 HOURS
BEFORE BEGINNING CONSTRUCTION

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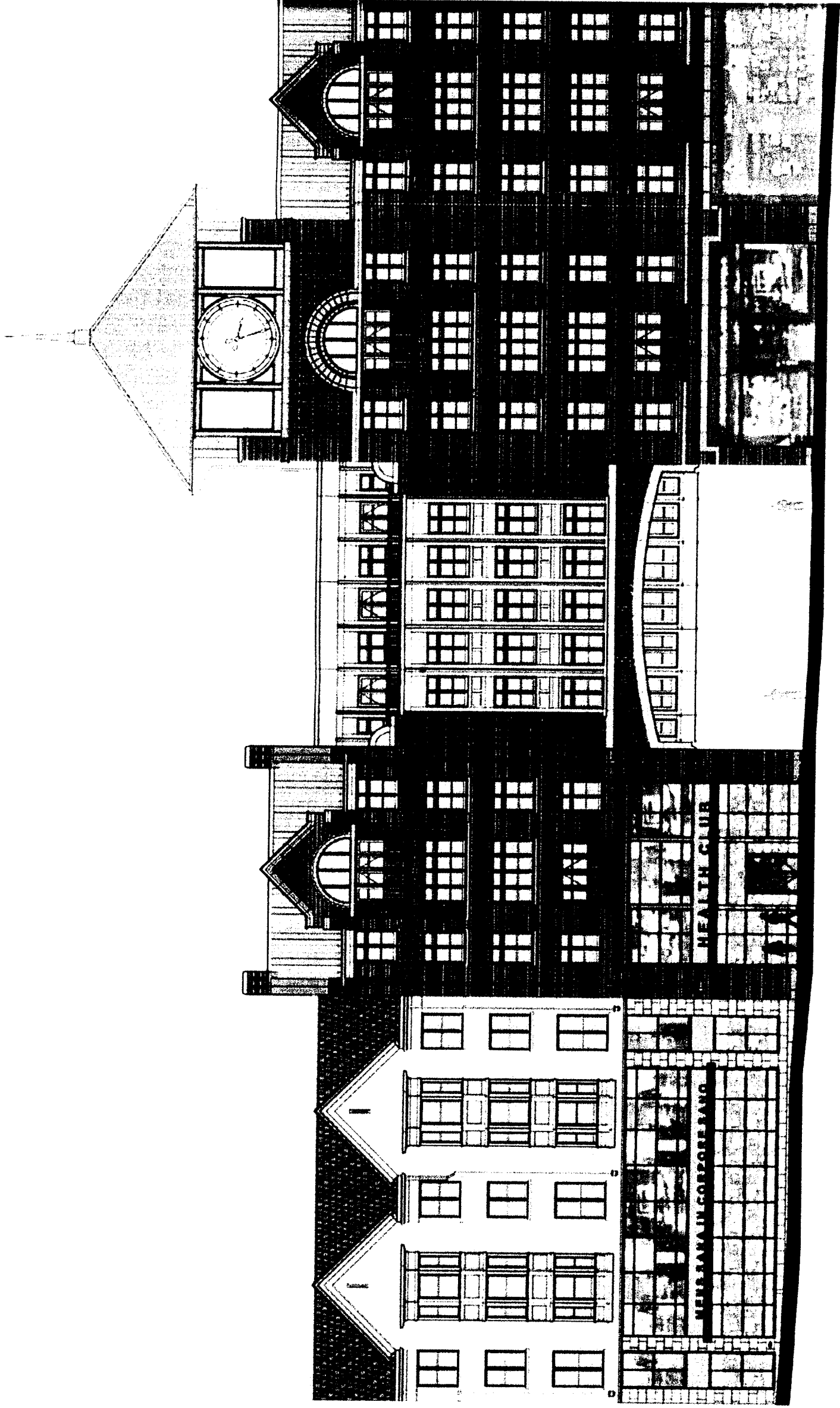
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MARYLAND AVENUE - PARTIAL EAST ELEVATION - PROPOSED STOREFRONT

1/3 - 10